

### **REMARKS**

Claims 1 and 3-12 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **DRAWINGS**

The drawings stand objected to for certain informalities. Applicant has attached formal drawings for the Examiner's approval. Therefore, reconsideration and withdrawal of this objection is respectfully requested.

### **SPECIFICATION**

The specification stands objected to for certain informalities. Applicant has amended the specification according to the Examiner's suggestion. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 3-5, 8 and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,742,154 (Barnard). This rejection is respectfully traversed.

Barnard is directed generally to a network optimization technique. As noted by the Examiner, Barnard does not disclose optimizing data recovery at the receiver prior to determining the error rate which is fed back to the transmitter. Thus, the Examiner relies on U.S. Patent No. 6,791,388 (Buchwald) to teach this aspect of the present

invention. To the extent that Buchwald teaches optimizing data recovery at the receiver, this teaching is no way related to a technique for optimizing transmitter parameters. In other words, there is no suggestion or motivation to combine this isolated teaching in Buchwald with the teachings of Barnard.

In contrast, Applicant's invention is directed generally to an adaptive method for chirping an optical data signal. In order to optimize the transmitter setting, it is necessary to optimize receiver data recovery at each setting of the transmitter. Thus, Claim 1 recites "optimizing data recovery from the optical data signal at an egress point of the optical network prior to determining an error rate for the optical data signal" in combination with other elements of the claim. Therefore, it is respectfully submitted that Claim 1, along with claims depending therefrom, defines patentable subject matter over Barnard in view of Buchwald.

Claims 1-3, 6-7, 9-17 and 19 also stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,583,910 (Satoh). This rejection is respectfully traversed.

Satoh is directed generally to a technique for optimizing the amount of optical frequency fluctuation. Contrary to the Examiner's assertion (referring to col. 14, lines 7-10), Satoh does not disclose optimizing data recovery at the receiver. Rather, cited portion of this reference merely teaches determining the error rate of the signal received at the receiver. Moreover, Satoh fails to teach or suggest that optimizing data recovery at the receiver prior to determining the error rate which is fed back to the transmitter as recited in Applicant's claimed invention. Relying upon the same claim language cited

above, it is respectfully submitted that Claim 1, along with claims depending therefrom, also defines patentable subject matter over Satoh.

The Examiner's attention is also drawn to amended Claim 10 of the present application. More specifically, Applicant's optimizing technique involves dithering the amplitude of the chirp being applied to the optical signal as well as dithering the phase of the chirp being applied to the optical signal. None of the relied upon references teach or suggest a technique that dithers both of these parameters in order to achieve an optimal signal. For this additional reason, it is respectfully submitted that Claim 10 defines patentable subject matter over the relied upon references. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.


#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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